

Appl. No. 09/870,029  
Amdt. dated May 23, 2006  
Reply to Office action of February 27, 2006

### REMARKS/ARGUMENTS

Applicants have received the Office action dated February 27, 2006, in which the Examiner: 1) rejected claims 18 and 19 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement; 2) rejected claim 7 under 35 U.S.C. § 112, second paragraph, as being indefinite for using the term "or"; 3) rejected claims 1, 6-7, 10-11 and 17-19 under 35 U.S.C. § 102(a) as being anticipated by "Adaptive QoS Support for Distributed, Java-based Applications," by Chatterjee et al., hereinafter "Chatterjee"; and 4) objected to claims 2-5, 8-9 and 12-16 as being dependent upon a rejected base claim, but otherwise allowable.

In this response, Applicants amend claims 1, 6-7, 10 and 17 and cancel claims 2, 9 and 12. Based on the amendments and arguments presented herein, Applicants respectfully request reconsideration and allowance of the pending claims.

#### I. CLAIM REJECTIONS UNDER § 112, FIRST PARAGRAPH

The Examiner rejected claims 18 and 19 under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. Claim 18 is supported by Applicants' specification at least on page 9, lines 26-28. Claim 19 is supported by Applicants' specification at least on page 8, lines 15-17. For at least these reasons, Applicants submit claims 18 and 19 comply with the written description requirement of 35 U.S.C. § 112, first paragraph.

#### II. CLAIM REJECTION UNDER § 112, SECOND PARAGRAPH

The Examiner rejected claim 7 under 35 U.S.C. § 112, second paragraph, as being indefinite for using the term "or." Applicants amended claim 7 to remove the term "or." For at least this reason, Applicants submit that claim 7 complies with the requirements of 35 U.S.C. § 112, second paragraph.

#### III. CLAIM REJECTION UNDER § 102

Claim 1 was amended to incorporate the limitations of claim 2 which was canceled. The Examiner previously indicated claim 2 was allowable if written in independent form. For at least these reasons, claim 1 and its dependent claims are allowable.

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Claim 6 was amended to incorporate the limitations of claim 9 which was canceled. The Examiner previously indicated claim 9 was allowable if written in independent form. For at least these reasons, claim 6 and its dependent claims are allowable.

Claim 10 was amended to incorporate the limitations of claim 12 which was canceled. The Examiner previously indicated claim 12 was allowable if written in independent form. For at least these reasons, claim 10 and its dependent claims are allowable.

Claim 17 was amended to incorporate the limitations of claim 5. Claim 17, in part, requires "the distributor module is configured to maintain an information structure that includes a number indicating how many clients have a connection with each application server, receive a message from an application server that a connection between the application server and a client is closed, and update the number of clients with a connection to the Application Server that sent the message." Chatterjee does not teach or suggest these limitations. For at least these reasons, claim 17 and its dependent claims are allowable.

#### **IV. CONCLUSIONS**

In the course of the foregoing discussions, Applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the cited art which have yet to be raised, but which may be raised in the future.

Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including

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fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,



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